

Z. J. asks the Utah Labor Commission to review Administrative Law Judge Lima's decision regarding Ms. J.'s claim for benefits under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Annotated).

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Annotated §63-46b-12 and §34A-2-801(3).

BACKGROUND AND ISSUE PRESENTED

Ms. J. injured her right shoulder on April 23, 2000, while working for South Davis Community Hospital. The hospital and its insurance carrier, Utah Guaranty Fund (referred to jointly as "South Davis" hereafter), accepted liability under the Act and paid some medical and disability benefits in connection with Ms. J.'s injuries. On April 29, 2004, Ms. J. filed an application with the Commission to compel South Davis to pay additional benefits.

Judge Lima held an evidentiary hearing on February 22, 2005, and then referred the medical aspects of Ms. J.'s claim to an impartial medical panel. The panel submitted its report on November 18, 2005. Judge Lima issued her decision on February 28, 2006, adopting the panel's conclusions and, on that basis, awarded some additional medical benefits to Ms. J. but denied any additional disability compensation.

Ms. J. then submitted two letters to the Commission which request review of Judge Lima's decision. These letters generally inquire whether Ms. J. is entitled to receive compensation for "pain and suffering" for her work injuries, but do not identify any specific error in Judge Lima's decision.

FINDINGS OF FACT

The Commission affirms and adopts the findings of fact set forth in Judge Lima's decision.

DISCUSSION AND CONCLUSION OF LAW

As noted above, the primary question raised in Ms. J.'s motion for review is whether she is entitled to workers' compensation disability benefits for the "pain and suffering" that resulted from her work injuries. As Judge Lima has already pointed out, Utah's workers' compensation system provides disability compensation as a replacement for lost wages, but does not compensate "pain and suffering." It appears from the record that Ms. J. has already received compensation for her lost wages and that no additional compensation is warranted.

Based on Ms. J.'s correspondence in this matter, the Commission believes that Ms. J. may have additional general questions about the operation of the workers' compensation system. If so, Ms. J. is invited to contact Commission staff at (801) 530-6830.

ORDER

The Commission affirms Judge Lima's decision and denies Ms. J.'s motion for review. It is so ordered.

Dated this 27th day of April, 2006.

R. Lee Ellertson
Utah Labor Commissioner